



DEFENSE LOGISTICS AGENCY
DEFENSE ENERGY SUPPORT CENTER
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FORT BELVOIR, VIRGINIA 22060-6222

IN REPLY
REFER TO

DESC-CPA

JUN 28 2004

CONTRACTING INSTRUCTION (CI): 04-09
MEMORANDUM FOR CI Distribution

SUBJECT: DEPI Part 52.104, Procedures for New Clauses and Modifying Provisions
and Clauses

DEPI coverage found at 52.104(b)(1) has been updated and is hereby attached. The updated coverage is to streamline the one time (.100) clause process. The contracting officer shall provide to DESC-CPA a copy of the one time clause including DESC-G's concurrence prior to release of the solicitation/contract. Any other appropriate coordination (such as Quality or Small Business) needs to be included. DESC-CPA will maintain a log of all one time clause changes.

This CI is effective immediately and expires upon inclusion in the DEPI. Point of contact is Susan Vaughn, extension 7388.

GABRIELLA M. EARHARDT
Center Senior Procurement Official

Attachment:
DEPI coverage



52.104 Procedures for new clauses and modifying provisions and clauses.

(a) Clause or provision changes, to include FAR/DFARS/DLAD/DESC, or new local clauses, will be provided to DESC-CPA electronically by the contracting officer, following the steps below. Note: A new clause, or change to a clause/provision with unapproved changes cannot be used in a solicitation or contract. After approval of the new clause or revision by DESC-CPA, the new clause or revised clause will be posted to the permanent clause book located on the T drive at "T/solicit". Documentation of a new local clause or the clause change for historical record shall be maintained by DESC-CPA as Clause Book Changes, Memorandum for Records (MFRs). Specific exceptions to the below steps are listed in DEPI 52.104(b). (**Note:** A FAR/DFARS/DLAD clause or provision may not be modified or deleted if its use is mandatory and non-tailorable until a deviation has been processed to, and approved by, Headquarters DLA in accordance with DEPI 1.403(b)).

Steps for requesting a new local clause, or clause/provision change:

(1) The Contracting Officer shall prepare and forward the electronic request to DESC-CPA.

(2) The request shall clearly document the specific need for the new clause, or clause/provision revision or deletion.

(3) It will contain an attached file of the final version of the proposed clause/provision change. The revised portions must clearly reflect what is to be changed. This can be accomplished by providing the new verbiage in "track-changes" (the preferred method), bold type, or by highlighting (this does not apply to new local clauses.)

(4) If another division or office within DESC has collateral interest in the new local clause, or clause/provision which is proposed for change, the contracting officer will coordinate the technical details of the change with that element and obtain their concurrence.

(5) The contracting officer shall obtain final coordination with applicable offices, including DESC-G, before requesting the new local clause or change. The contracting officer shall then forward the proposed new local clause or change, including all concurrences, as an electronic file to DESC-CPA.

(6) Instruction Lines:

(A) A proposed instruction line must be provided to DESC-CPA with all new local clauses (see DEPI 52.101(101) for wording).

(B) A proposed changed instruction line shall also be furnished with a change, if the changed clause/provision affected the instruction line.

(b) Exceptions.

(1) One time changes. One time changes to tailorable clauses/provisions (non EPA), shall be forwarded to DESC-G by the requesting contracting officer, for concurrence before the solicitation/contract is issued. The contracting officer shall provide to DESC-CPA a copy of the one time clause including DESC-G's concurrence **prior** to release of the solicitation/contract. Any other appropriate coordination (such as Quality or Small Business) needs to be included. DESC-CPA will maintain a log of all one time clause changes. The contracting officer shall file this one time clause approval from DESC-G in the contract file. The contracting officer will designate the approved version of the clause/provision number with suffix ".100" after it. One time changes will not be posted to the permanent clause book on the T drive, as these are for one time use only and **not for repetitive use.**

(2) DESC Economic Price Adjustment (EPA) clauses. A major change to a DLA-approved, DESC locally developed EPA clause, as-well-as approval of a new permanent EPA clause requires DLA approval. See DEPI 16.203-3 for procedures and other details. A minor, incidental revision to correct or update an EPA clause may be approved by DESC-CPA.

(3) Quality Related Clauses. DESC-BQ/BP will coordinate all new clauses and clause changes that concern the quality of energy/fuel with the appropriate Service Control Point (SCP) and DESC Field Office as required prior to forwarding the clause to DESC-CPA for action/implementation. The buying divisions affected will be provided a copy of the proposed change for advice on acquisition impacts and coordination. This information will also be provided to the Inventory Control Point (ICP) for their consideration:

(i) Changes made by DESC-BP to product specification clauses will be coordinated through DESC-BQ.

(ii) Changes made by the DESC-BQ to quality requirement clauses will be coordinated through DESC-BP.

(iii) DESC Field Offices shall submit requests for product and quality clause changes to DESC-BQ/BP as appropriate, for coordination with the SCP.

(4) Changes resulting from negotiations.

(i) FAR/DFARS/DLAD clauses. A FAR/DFARS/DLAD clause may not be modified or deleted if its use is mandatory until a deviation has been processed to and approved by DLA. When negotiations as referenced in DEPI 1.403(a) fail to obtain the contractor's acceptance, the procedures in DEPI 1.403(b) shall be followed.

(ii) DESC EPA clauses. See DEPI 52.104(b)(2).

(iii) DESC local clauses other than EPA clauses. When negotiations result in a change to a DESC clause other than an EPA clause, the change may be approved by the contracting officer, who will obtain the coordination of DESC-G. The contracting officer shall designate the changed clause with the suffix “.100”, and properly document the negotiation.

(iv) Modifications. The procedures set forth in DEPI 52.104(b)(4) subparagraphs (i), (ii), and (iii) above also apply to changes made by contract modification after award.

(c)Permanent Changes. A permanent change to a clause or provision will result in the revised version being posted to: “T / solicit” location on the LAN.